

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALHAM ELSHEHADEH	:	CIVIL ACTION NO.:
45 Hidden Cove Drive	:	
Southampton, PA 18966	:	
	:	
Plaintiff,	:	
	:	
v.	:	
COSTCO WHOLESALE CORPORATION	:	
D/B/A COSTCO	:	JURY TRIAL DEMANDED
999 Lake Drive	:	
Issaquah, WA 98027	:	
Defendant.	:	

I. PARTIES

1. Plaintiff, Alham Elshehadeh is an adult individual and resident of the Commonwealth of Pennsylvania residing at the above-stated address.
2. Defendant, Costco Wholesale Corporation (hereinafter referred to as "Costco") is a corporation or other business entity with a principal place of business at the above-stated address.
3. Defendant, Costco is vicariously liable for the negligent acts and/or omissions of its employees, servants, workmen, and/or agents including but not limited to the Store Manager, who at all material times was acting or failing to act in the course and scope of their employment, authority, and/or agency.

II. JURISDICTION AND VENUE

4. Jurisdiction is proper under 28 U.S.C. § 1332, as the parties are citizens of different states, and the amount in controversy exceeds \$75,000. Venue is proper in the Eastern District of Pennsylvania under 28 U.S.C. § 1391, as Defendant conducts business in this district, and the events giving rise to this action occurred within this district.

II. CHRONOLOGY OF FACTS

5. On or about June 28, 2023, Plaintiff, Alham Elshehadeh, was shopping at Costco located at 100 Veterans Way, Warminster, PA, 18974.
6. At all material times, Alham Elshehadeh was a business invitee and a customer with a Costco membership, who Defendant owed the highest duty of care.
7. At all material times Defendant, Costco by and through their employees were responsible for maintaining a safe, and hazard-free shopping environment within the Store.
8. At all material times, there was a significant accumulation of a clear fluid/liquid and/or slippery substance on the floor near the exit, posing needless harm to patrons including but not limited to Plaintiff, Alham Elshehadeh.
9. At all material times thereto, there were no signs or warnings concerning the hazardous and slippery conditions near the exit, prior to Plaintiff's fall.
10. At all material times, Plaintiff was unaware of the slippery and hazardous condition of the floor near the exit.
11. As Plaintiff was about to exit Costco with her shopping cart, she suddenly and without warning slipped and fell on the significant and dangerous accumulation of fluid/liquid and/or other slippery substance existing on the floor near the exit, sustaining serious personal injuries.
12. As a direct and sole result of Defendant's negligence, Plaintiff sustained serious and permanent injuries as more fully described below.
13. At all times relevant, Defendant had an obligation to exercise reasonable care in the Store's maintenance and upkeep, including but not limited to maintaining safe shopping aisles for customers free and clear of slipping hazards including but not limited to fluids/liquids,

and/or other slippery substances.

14. At all times relevant hereto, Defendant knew or should have known of the slippery and dangerous accumulation of fluid/liquid and/or slippery substance located near the floor of the exit area where this injury occurred but failed to act timely to prevent or remove the dangerous condition.
15. At all times relevant, Defendant knew or should have known that the unreasonable accumulation of fluid/liquid and/or slippery substance on the floor near the exit of the store created a highly dangerous and unreasonable condition posing serious harm to customers including but not limited to Plaintiff, Alham Elshehadeh.
16. Defendant failed to provide adequate notice or warning of slippery hazard condition to Plaintiff, Alham Elshehadeh prior to her fall.
17. Plaintiff, Alham Elshehadeh, while exercising due care and caution for her own safety, slipped and fell as a result of the accumulation of fluid/liquid and/or slippery substance on the floor near the exit of the store.
18. Defendant, Costco is vicariously liable for the negligence and carelessness of its employees, workmen, servants, contractors, and/or agents including but not limited to the Store Manager, who at all material times hereto were acting or failing to act within the course and scope of their employment, authority, and/or agency.
19. Defendant, Costco is solely liable for the dangerous and slippery conditions causing Plaintiff permanent and serious injuries.

COUNT I: NEGLIGENCE
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20. Plaintiff herein incorporates by reference the allegations contained in all previous Paragraphs as if fully set forth at length herein.
21. Plaintiff, Alham Elshehadeh's fall was caused solely by the negligence and carelessness of Defendant and/or by and through their employees, servants, workmen, contractors, and/or agents, and was due in no manner whatsoever to any act, or failure to act, on the part of Plaintiff.
22. Defendant knew or should have known of the accumulation of clear fluids/liquid and/or other slippery substance on the floor near the exit creating a dangerous condition and unknown hazard to customers of the Store including Alham Elshehadeh placing them at risk for serious injury.
23. Defendant had an obligation to provide adequate maintenance and inspection to the property, keeping it in good repair and in a safe condition, free and clear of dangerous defects including but not limited to accumulations of clear fluids/liquid and/or slippery substance on the floor.
24. It was the duty of Defendant to use ordinary care and diligence to keep and maintain the property in a condition reasonably safe for its intended use and free from all defects and conditions which would render it dangerous and unsafe for Alham Elshehadeh or present an unreasonable risk of harm to Alham Elshehadeh in her lawful use of the Store's shopping area.

25. Defendant's duty to exercise reasonable care to protect the public including Alham Elshehadeh, by inspection and other affirmative acts, from the danger of reasonably foreseeable injury occurring from reasonably foreseeable uses of the Store.
26. It was the duty of Defendant to exercise reasonable care to protect the public and Alham Elshehadeh, by proper maintenance, repair, inspection, adequate cleaning, warning and other affirmative acts, from injuries resulting from dangerous and unsafe conditions on the property such as a liquid/fluid and/or slippery substance spill next to the exit of the store.
27. Plaintiff, Alham Elshehadeh's injuries were solely and proximately caused by the carelessness and negligence, of Defendant which included but is not limited to the following:
 - a. Failing to provide proper maintenance and repair on the property;
 - b. Failing to use ordinary care and diligence in the upkeep and maintenance of the property;
 - c. Failing to keep the property in a condition reasonably safe for its intended use and free from all defects and conditions which rendered it dangerous and unsafe for Alham Elshehadeh;
 - d. Failing to exercise reasonable care or other affirmative acts to protect Alham Elshehadeh from dangers reasonably foreseeable;
 - e. Failing to place signs and warnings of the condition in said area;
 - f. Failing to properly treat the dangerous condition;
 - g. Failing to timely remove the dangerous condition;
 - h. Failing to warn of the dangerous condition;
 - i. Failing to adequately clean the dangerous accumulation of clear fluids/liquid and/or slippery substance condition;

- j. Failing to properly warn Alham Elshehadeh of the defects on the subject property including but not limited to the spill near the exit of the store;
- k. Failing to have anti-slip or skid material on the floor.
- l. Failing to fulfill their duties as stated aforesaid and those required by law as an owner, possessor and/or operator, of the subject property.
- m. Failing to place barricades around said area;
- n. Failing to properly treat and remove clear fluids/liquid and/or slippery substance spill near the exit of the store;
- o. Failing to prevent large accumulation of clear fluids/liquid and/or slippery substance on the Store's floor;
- p. Violation of Laws, Codes, Local Ordinances, and Regulations;
- q. Negligent supervision and hiring of employees, agents, and servants;
- r. Negligent training of employees, agents, workmen, and contractors in safety and hazard detection and prevention;
- s. Implementation of inadequate safety and hazard detection and prevention procedures and policies;
- t. Failing to make timely inspections of the property and prevent, remove, and treat hazardous conditions such as spills/accumulations of slippery substances;
- u. Negligence per se;
- v. Failing to properly shelf/store liquids/slippery substances in the store;
- w. Failing to properly train employees on treating and removing fluids/liquid spills and other dangerous fluids from the store flooring;
- x. Permitting and allowing a dangerous accumulation of fluids/liquids and/or slippery substances on the floor; and
- y. Creating/allowing a slippery condition to occur.

28. As a direct and proximate result of the carelessness and negligence of Defendant, Costco, Plaintiff, Alham Elshehadeh, sustained serious bodily injuries including without limitation, disc bulging at L2-L3 and L1-L2, disc herniations at L3-L4, L4-L5 and L5-S1 with annular tears, radiculopathy, lumbar, and thoracic ligaments, bilateral knee sprain, left knee injury, knee joint effusion, ACL sprain, acute thoracolumbar, lumbosacral, and sacroiliac musculoligamentous injury with myofascitis, microfiber musculoligamentous disruption, injuries to her muscles, legs, arms, back, neck, spine, discs, ligaments, nerves, hip, waist, knees and aggravation of pre-existing conditions if any, some or all of which injuries may be permanent; Plaintiff was prevented from attending to her usual duties and activities, has and continues to suffer pain and suffering of mind and body, and, in addition, she has suffered and/or may suffer a loss of earnings and/or earning capacity and other economic losses including but not limited to outstanding medical bills and the need for future treatment all to her financial detriment.

WHEREFORE, Plaintiff, Alham Elshehadeh, hereby requests this Honorable Court to enter judgment in her favor against Defendant, Costco Wholesale Corporation d/b/a Costco in a sum greater than \$75,000.00 plus interest, delay damages, and costs of suit.

Date 1-12-25

Respectfully submitted,
THE MUSITIEF FIRM, LLC
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